

NURSING BOARD[655]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 4, "Discipline," Iowa Administrative Code.

The amendments in Items 1 and 2 update and clarify the reporting of deferred judgments by licensees when reporting criminal convictions. The amendment in Item 3 defines certified copy.

Proposed amendments to paragraph 4.6(3)"e," paragraph 4.6(4)"p," and rule 655—4.14(17A,152E) were initially published under Notice of Intended Action in the July 27, 2011, Iowa Administrative Bulletin as **ARC 9622B**. The amendments were subsequently published under Amended Notice of Intended Action in the November 30, 2011, Iowa Administrative Bulletin as **ARC 9867B** to allow for a public hearing, which was held on Tuesday, December 20, 2011.

One person was in attendance at the public hearing, one oral comment was received and no written comments were received. The comment expressed concern regarding convictions for actions that occurred on personal time and stated that these convictions should not be considered for disciplinary action. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 147, 152, 152E and 272C.

These amendments will become effective May 23, 2012.

The following amendments are adopted.

ITEM 1. Amend paragraph **4.6(3)"e"** as follows:

e. Failing to notify the board of a criminal conviction within 30 days of the action, regardless of whether the judgment of conviction or sentence was deferred, and regardless of the jurisdiction wherein it occurred.

ITEM 2. Amend paragraph **4.6(4)"p"** as follows:

p. Pleading guilty to or being convicted of a ~~misdemeanor or felony~~ crime related to the ~~practice~~ profession of nursing, or conviction of any crime that would affect the licensee's ability to practice nursing, regardless of whether the judgment of conviction or sentence was deferred, and regardless of the jurisdiction wherein the action occurred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

ITEM 3. Adopt the following **new** definition of "Certified copy" in rule **655—4.14(17A,152E)**:

"*Certified copy*," as used in the statutes and rules administered by the board, means a complete and accurate copy of a document, as verified by the board or the agency providing that document. "Certified copy" includes an electronic version of a document provided to another agency or individual by the board, or received from another agency, so long as the electronic record is:

1. Obtained directly from the official Web site of the board or other agency;
2. Regularly updated by the board or the other agency in accordance with standard practice;
3. Accessible as a "read only" document;
4. Properly safeguarded to prevent the document from being altered; and
5. Certified from another agency in accordance with the laws applicable in that jurisdiction.

[Filed 3/20/12, effective 5/23/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/18/12.